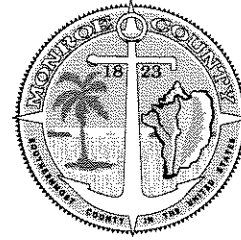


MEMORANDUM
MONROE COUNTY PLANNING DEPARTMENT

We strive to be caring, professional and fair



To: The Development Review Committee
From: Clarence Feagin, Ph.D., AICP, Senior Planner
Through: Donna Bosold, Planning Coordinator
Date: February 15, 2007
RE: *AMENDMENT TO THE LAND USE DISTRICT MAPS, VOLUME III, SHEET 372, CHANGING THE URM (URBAN RESIDENTIAL MOBILE HOME) LAND USE DISTRICT TO UR (URBAN RESIDENTIAL)*

I MEETING DATE: February 16, 2007

II REQUEST:

A. Proposal: The petitioner proposes amending the Monroe County Land Use District Maps, Volume III-Lower Keys, Sheet 372 to change the entire **URM** (Urban Residential Mobile Home) land use district shown in Exhibit A (attached) to **UR** (Urban Residential).

B. Location:

1. Island & Mile Marker: Little Torch Key, MM 28.5
 2. Address: 133 Barry Ave, Little Torch Key
- Legal Description: The land area affected by the zoning change is described in a boundary survey sealed and signed on November 14, 2006 by J. Lynn O'Flynn as:

The N'y 100 feet of lot 2, and all of Lot 3, of Barry Beach, a subdivision of Government Lot 5, and that Part of Government Lot 6, Section 28, Township 66 South, Range 29 East, North of US Highway No. 1, on Little Torch Key, Monroe County, Florida, according to the Plat thereof, recorded in Plat Book 2, Page 127 of the Public Records of Monroe County, Florida. (See Exhibit A)

3. RE Number (s): The land area affected by the zoning change is within RE Number 00214970-000000.

C. Applicant:

1. Petitioner: Lucky's Landing, Inc.
2. Agent: Michael Cunningham

1
2 **III PROCESS:**
3

4 Pursuant to Monroe County Code (MCC) §9.5-511(d), an applicant must present
5 a request to the Development Review Committee (DRC), Planning Commission
6 (PC) and Board of County Commissioners (BOCC). As this request does not
7 require a Comprehensive Plan amendment, there will be no transmittal to the
8 State. The PC meeting shall be in Marathon, and BOCC meetings shall be in
9 Marathon or Key West.
10

11 **IV PRIOR COUNTY ACTIONS:**
12
13

14 The pre 1986 zoning designation for this site was RU-5, which permitted mobile
15 homes and detached residential dwellings.
16

17 In 1986, the site was designated as URM with the adoption of the 1986 Florida Keys
18 Comprehensive plan and Land Development Regulations. The permitted
19 residential uses in the URM district were detached dwellings and mobile homes.
20

21 In 1996, the Future Land Use Map (FLUM) of the Year 2010 Monroe County
22 Comprehensive Plan became effective, and the site was designated Residential
23 High (RH) for high density residential development. The permitted residential
24 uses in the RH land use category are detached dwellings, mobile homes, and attached
25 dwellings.
26

27 **V BACKGROUND INFORMATION:**
28

- 29 **A. Existing Land Use District:** Urban Residential Mobile Home (URM)
30 **B. Existing Future Land Use Designation:** Residential High (RH)
31 **C. Proposed Land Use District:** Urban Residential (UR)
32 **D. Proposed Future Land Use Designation:** No change proposed
33 **E. Proposed Tier Designation:** Tier III, infill area
34 **F. Size of Site:** 2.55 acres.
35 **G. Land Use and Habitat from 1985 Aerials:** 740, disturbed
36 **H. Existing Vegetation / Habitat:** Scarified / developed
37 **I. Community Character of Immediate Vicinity:**
38

39 The subject property is a developed mobile home park with occupied mobile
40 homes. The site is located on Barry Ave, north of US 1. Barry Avenue is a
41 County road on the West side which provides access to the mobile home park.
42

43 The land area North and adjacent to the site is zoned Mixed Use (MU) where
44 there is a restaurant. The land area South and adjacent to the site is zoned for
45 Suburban Commercial (SC) and Institutional uses. West of the site is zoned
46 Native Area (NA), and East of the site is open water (Pine Channel).
47

1 Little Torch Key is in Planning Area 16 (Volume 1, Chapter 2, 1986 Florida Keys
2 Comprehensive Plan). In 1986 the composite community character of Planning
3 Area 16 was in transition from Sparsely Settled to Sub-Urban, where the land use
4 patterns were changing from low density to medium density residential uses and
5 community-wide scale commercial uses.

6
7 The 1997 Monroe County Year 2010 Comprehensive Plan's Future Land Use
8 Maps designated the area for high density residential uses, characteristic of a
9 community in urban transition.

10
11 REVIEW OF APPLICATION:

12
13 **A. Land Use and Zoning History:**

14
15 The subject site is not a platted subdivision, but is part of Barry subdivision. Since
16 the 1960s the site has been uses as a mobile home park.

17
18 **(1) Pre-1986 Zoning:**

19
20 The pre-1986 zoning was RU-5 (Residential Mobile Home District), which
21 permitted mobile home and single family residential uses.

22
23 **(2) Considerations during the 2010 Comprehensive Plan Process:**

24
25 The land use designation was changed from RU-5 to Urban Residential Mobile
26 Home (URM) in 1986 with the adoption of the LDRs. The subject site was
27 given the Future Land Use Map (FLUM) designation of Residential High (RH)
28 in 1997 when the FLUM was adopted.

29
30 **(3) Boundary Changes since 1986:**

31
32 There have been no boundary changes since 1986.

33
34 **B. Analysis and Rationale for Change:**

35
36 Pursuant to Sec. 9.5-511(d) (5) (b) of the Monroe County Code (MCC), the
37 Board of County Commissioners may consider the adopting an ordinance to
38 enact map amendments based on one or more of the following factors:

39
40
41 **(1) Changed Projections (e.g., regarding public service needs):**

42
43 1. *Applicant:* None.

44
45 2. *Staff:* There have been no changes in the public service area boundary (such
46 as annexations), or changes in the allocated density for the RH future land
47 use category.

1 Since 1992 the Building Permit Allocation System (BPAS)) has regulated
2 growth in the lower Keys Sub-County planning area. Of the approximately
3 900 residential dwelling units allocated to the lower Keys since 1992, less
4 than 100 were allocated to Little Torch Key. None of the 100 residential
5 dwellings units allocated to Little Torch were mobile homes, as
6 development of new mobile home parks are prohibited.
7

8 **(2) Changed Assumptions** (e.g., regarding demographic trends):
9

10 1. *Applicant:* None.
11

12 *Staff:* No new mobile home parks have been developed in the Florida Key as
13 they are prohibited. Staff does not anticipate changes in demographics that
14 would necessitate the need for additional mobile home parks in the RH
15 future land use category.
16

17 **(3) Data Errors** (including errors in mapping, vegetation types and natural
18 features):
19

20 1. *Applicant:* None.
21

22 2. *Staff:* None.
23

24 **(4) New Issues:**
25

26 *Applicant:* The petitioner wishes to redevelop the mobile home park with
27 residential uses other than mobile homes, but the only other option for
28 residential use in the URM district is detached dwelling units. Consequently, the
29 small size of the petitioners property, relative to the number of units to be
30 replaced, creates a geometric constraint on site design because of the requirement
31 to replace 30% of the existing dwelling units with affordable housing, preserve
32 20% as open space, provide for an aesthetically appealing landscape buffer plan,
33 provide safe traffic circulation through the site, provide a storm water
34 management plan, and provide for fire hydrants and adequate spacing between
35 dwelling units for better fire protection.

36 The petitioner claims that to replace all the existing lawfully established mobile
37 homes with detached dwellings creates a geo-physical constraint that wouldn't
38 allow all the units, including 30% as affordable housing units, to be replaced in
39 the URM land use district.

40 In order to redevelop all the existing units on site, including 30% as affordable
41 housing units, while meeting open space, storm water management and
42 landscape buffer requirements, and optimizing fire protection, the petitioner
43 claims a clustered housing site design is a more viable development alternative
44 which could be achieved with a change in zoning that permits attached
45 residential uses.
46

Therefore, the petitioner requests a zoning change to Urban Residential (UR), which is a land use district that is both consistent with the comprehensive plan and provides for attached residential dwellings.

Staff: Staff concurs with some but not all of the petitioner's justification based on new issues. Nevertheless, staff understands that the recently adopted inclusionary housing requirement is a new issue that mobile home park owners are faced with when redevelopment occurs. The requirement to include 30% of existing units as affordable housing has the potential to cause a geometric constraint on site design that could be relieved with the attached residential uses provided by the UR district.

(5) Recognition of a Need for Additional Detail or Comprehensiveness:

1. *Applicant:* None

2. *Staff:* None

(6) Data Updates:

1. *Applicant:* None

2. *Staff:* None

C. Impact and Policy Analysis:

(1) Development Potential under Policy 101.4.4 Residential High (RH) of the Comprehensive Plan:

Pursuant to Policy 101.4.4, the principal purpose of the Residential High category is to provide for high-density single-family, multi-family, and institutional residential development, including mobile homes and manufactured housing, located near employment centers.

Pursuant to Policy 101.4.21, the corresponding zoning districts that implement the purpose of policy 101.4.4 are URM-L, MRM, and UR.

This proposed zoning change for URM to UR is consistent with the Comprehensive Plan.

(2) Development Potential within the Proposed UR land use district:

Pursuant to MCC Section 9.5-204 the purpose of the UR district is to provide areas appropriate for high-density residential uses designed and intended for occupancy by persons gainfully employed in the Florida Keys and to create areas to provide for vacation rental use of detached dwellings, duplexes, and multifamily dwellings. This district should be established at or near employment centers.

As of right uses:

- (1) Detached residential dwellings,
- (2) Public buildings and uses,
- (3) Home occupations--Special use permit required,
- (4) Accessory uses,
- (5) Vacation rental use.

Minor conditional uses:

- (1) Attached residential dwelling units,
- (2) Institutional and institutional-residential uses,
- (3) Parks and community parks.

Major conditional uses:

- (1) Marinas,
- (2) Time-share estates, including uses accessory thereto,
- (4) Land use overlays A, E, PF

(3) Development Potential within the current URM land use district:

Sec. 9.5-234. Urban Residential--Mobile Home District (URM).

Pursuant to MCC § 9.5-205, the purpose of the Urban Residential Mobile Home District (URM) is to recognize the existence of established mobile home parks and subdivisions, but not to create new such areas, and to provide for such areas to serve as a reservoir of affordable and moderate-cost housing in Monroe County.

As of right uses:

- (1) Mobile homes,
- (2) Detached residential dwellings,
- (3) Recreational vehicles,
- (4) Home occupations,
- (5) Accessory uses, and
- (6) Tourist housing uses.

Minor conditional uses:

- (1) Replacement of an existing antenna-supporting structure,
- (2) Stealth wireless communications facilities,
- (3) Satellite earth stations.

Major conditional uses:

- (1) Marinas,

- (2) Commercial retail of low- and medium-intensity and office uses or any combination thereof of less than twenty-five hundred (2,500) square feet of floor area,
(3) Parks and community parks,
(4) Land use overlays A, E, PF.

(4) Analysis:

The proposed map amendment is consistent with Policies 101.4.4 and 101.4.4 of the comprehensive plan.

Consistency with the comprehensive plan:

The proposed map amendment is consistent with land use regulations Policies 101.4.21 and 101.4.4 of the adopted comprehensive plan.

Differences between current and proposed zoning:

The proposed map amendment changes the types of residential uses within the affected land area from mobile homes and detached dwelling units in the URM district to attached (multifamily) and detached residential dwelling units in the UR district.

Under the current zoning (URM) all the mobile homes can be converted and replaced as-of-right with detached dwelling units. Under the proposed zoning (UR) the mobile homes could be replaced with attached (multifamily) residential dwelling units with minor conditional use approval.

D. Compatibility with Neighboring Land Uses and Effects on Community Character:

MCC § 9.5-511 maintains that amendments may not be approved which will result in adverse community change of the planning area in which the proposed development is proposed.

Little Torch Key is in Planning Area 16 (Volume 1, Chapter 2, 1986 Florida Keys Comprehensive Plan). In 1986 the composite community character of Planning Area 16 was in transition from Sparsely Settled to Sub-Urban, where the land use patterns were changing from low density to medium density residential uses and community-wide scale commercial uses. However, the 1997 Monroe County Year 2010 Comprehensive Plan's Future Land Use Map designated the area of the proposed zoning change as high density residential uses, characteristic of a community in urban transition.

Staff does not anticipate adverse community change to the planning area resulting from attached dwelling units (e.g., design, social aspects or encounters, or the

natural environment that would adversely affect water quality, commercial fishing, or the Key' ability to sustain its economy, for example).

(1) Density and Intensity:

Pursuant to Policy 101.4.21, the comprehensive plan allocates a density of 1 - 16 dwelling units per acre to the RH land use category. Pursuant to MCC § 9.5-262, the UR District allows 6 dwelling units per acre. The proposed map amendment would be consistent with Monroe County Year 2010 Comprehensive Plan.

Sec. 9.5-262. Maximum residential density and district open space.*

Land use district	Allocated density DU/acre	Maximum net density DU/buildable area	Open space ratio*
Urban Residential Mobile Home (URM)	1/lot	0	0.2
Mobile Home Parks per 9.5-4(M-16)	5.0	7.0	0.2
UR	6.0	12	0.2
UR (Affordable housing)	6.0	25	0.2
UR (Employee housing)	6.0	25	0.2

Sec. 9.5-267. Maximum hotel-motel, recreational vehicle and institutional residential densities.

Land use district	Allocated density DU/acre	Maximum net density DU/Buildable area	Open space ratio*
Urban Residential Mobile Home:			
Rec. Rental	5.0	7.0	0.2
Urban Residential Mobile Home-Limited:			
Inst. Res.	10.0	20.0	0.2

(a) Existing dwelling units:

In spite of the density limits established in sections 9.5-262 above, the owners of land upon which a lawfully established dwelling unit or a mobile home, but not including transient residential units exists shall be entitled to one (1) dwelling unit for each such unit in existence. Such legally-established dwelling unit shall not be considered as a non-conforming use (MCC Sec. 9.5-268).

(2) Local Traffic and Parking:

The site is served by a paved road. The density allocated to this area of land by the comprehensive plan is not being increased. Attached residential uses provided by the UR district will require only 1.5 spaces per unit, whereas

1 detached dwellings provided by the URM district require 2 spaces per unit. The
2 zoning change to UR could result in a reduction in cars and traffic in this zoning
3 district.
4

5 **(3) Effects on Natural Resources:**
6

7 There will be no adverse affects on natural resources as this district is scarified
8 and disturbed, according the Existing Conditions Map.
9

10
11
12
13
14 **(4) Effects on Public Facilities:**
15

16 Monroe County shall implement measures to direct future growth away from
17 environmentally sensitive land and towards established development areas
18 served by existing public facilities. The proposed Land Use District Map
19 amendment will not affect Objective 101.11 and will encourage development to
20 remain on disturbed lands rather than encroaching on environmentally sensitive
21 areas.
22

23 Since the density allocated to this land area by the comprehensive plan is not
24 increased as a result of the zoning change, there will be no impacts to public
25 facilities and services originally allocated to this area by the comprehensive plan.
26

27 **(5) Effects on Redevelopment/Infill Potential:**
28

29 The subject property is developed. Most of the surrounding properties have
30 been developed, mainly by residential, commercial, institutional, and tourist
31 housing development.
32

33 **(6) CommuniKeys Master Plan**
34

35 Objective 101.20 of the Year 2010 Comprehensive Plan asserts that Monroe
36 County shall address local community needs while balancing the needs of all
37 Monroe County communities.
38

39 Policy 101.20.1 states that each Community Master Plan will contain a
40 framework for future development and redevelopment of the community.
41 Principle 8 states that each Community Master Plan will include a community
42 character element that will address the protection and enhancement of existing
43 residential areas and the preservation of community character through site and
44 building guidelines.
45

Staff has begun developing the Lower Keys Livable CommuniKeys Master Plan for the Bay Point to Little Torch planning area. In several workshops residents have expressed a desire to address community character issues by maintaining the current height restriction of 35 feet and not increasing residential densities. The proposed zoning change does not result in an increase in height limits and density allocated by the comprehensive plan. A change in the density allocated to the RH land use category could be only be accomplished with an amendment to Policy 101.4.21 of the comprehensive plan.

PUBLIC INPUT

Workshop results from the Lower Keys Livable CommuniKeys Master Plan:

General Public of Lower Keys

HOUSING ELEMENT

Limit to duplex, triplex, and quadruples residential uses.
Preserve existing affordable housing.
Maintain current housing densities.

Ramrod and Torches Community Workshop Results:

HOUSING ELEMENT:

Limit affordable housing near employment centers.
Limit mixed use density.
Affordable housing should mix income levels (very low, low, moderate).
Address affordable housing need for the elderly (not adequately addressed).
No mother-in-law units.
Protect mobile homes as site for affordable housing.
Promote land trust ownership model.
Promote multi-unit affordable housing near transportation facilities.

LAND USE ELEMENT

Architectual guidelines for commercial development in Ramrod.
Better landscaping along right-of-way (Ramrod).
Maintain community character (#1 Ramrod).
Keep densities and allocations the same.
More clarity on site specific density.
Tighter conditions on development.

- STAFF RESPONSE:**
1. Multi-family (attached dwelling units) affordable housing will be promoted with the zoning change to UR.
 2. Density allocated by the comprehensive plan remains the same and is not increased.
 3. Architectural guidelines have not yet been adopted for the Lower Keys planning area.
 3. Height will not be increased as a result of the zoning change to UR
 4. 30% of the mobile homes will be preserved as affordable housing as a result of the inclusionary housing requirement, upon conversion of mobile homes to detached or attached dwellings.

II. FINDING OF FACTS AND CONCLUSIONS OF LAW

- (1) MCC § 9.5-511 (d)(5)(b) allows the Board of County Commissioners to consider adopting an ordinance to enact map changes under six conditions: changed projections; changed assumptions; data errors; new issues; recognition of a need for additional detail or comprehensiveness; and data updates.

- (2) In accordance with **Section 9.5-511 (d) (5) (b), the proposal has met the following conditions:**

(i) Changed Projections: There is no change in public service area boundaries in planning area 16.

(ii) Changed Assumptions: There have been no changes in demographic trends in planning area 16.

(iii) Data Errors: There are no data errors.

(iv) New Issues: The recent adoption of an inclusionary housing requirement for affordable housing creates a geometric constraint on site design because of the requirement to replace 30% of existing dwelling units with affordable housing, and preserve 20% as open space, provide for an aesthetically appealing landscape buffer plan, provide safe traffic circulation through the site, provide a storm water management plan, and provide for fire hydrants and adequate spacing between dwelling units for better fire protection.

A clustered housing site design is a more viable development alternative which could be achieved with a change in zoning that permits attached (multi-family) residential uses.

- (3) The proposed map amendment is consistent with the comprehensive plan.

1
2 The map amendment is consistent with **Policy 101.4.21** of the Future Land Use
3 Element of the Comprehensive Plan in that UR is a corresponding zoning
4 district that implements the purpose of the RH future land use category as
5 stated in **Policy 101.4.4**.

6 (4) The proposed map amendment is in the interest of public welfare.
7

8 The map amendment is consistent with Policies 101.4.4 and 101.4.21 of Future
9 Land Use Element of the Monroe County Comprehensive Plan, found to be in
10 the interest of public health, safety, and welfare and adopted by the governing
11 body of Monroe County. Furthermore, the zoning change, which would permit
12 attached residential land uses, is supported by rationale provided in the Housing
13 Element of the Comprehensive Plan's Technical Document data, analysis, and
14 recommendations, encouraging the private sector to construct for-sale multi-
15 family housing (Monroe County Year 2010 Technical Document, Section 7.2.4
16 Housing Element, The Private Sector and Housing Needs, New Construction of
17 For-Sale Multi-Family Condominiums, page 7-32). The map amendment will
18 not create a land use district that is incompatible with surrounding land uses, as
19 indicated on the Future Land Use Map of the County's Comprehensive Plan,
20 which categorizes the subject area for high density residential use (RH), and
21 implemented by the UR zoning district.
22

23 (5) Land owners within the area affected by the proposed map amendment will
24 derive beneficial use of land.
25

26 The zoning change will not result in a diminution of beneficial uses of land. All
27 land owners within the UR district will have equal protection afforded by
28 Policies 101.4.4 and 101.4.21 of the comprehensive plan and Section 9.5-233 UR
29 District, MCC.
30

31 **III. RECOMMENDED ACTION**

32

33 **STAFF RECOMMENDS THE PLANNING DIRECTOR APPROVE THE**
34 **PETITIONER'S REQUEST TO CHANGE THE ZONING FROM URM TO**
35 **UR, AND THAT ANY DEVELOPMENT OR REDEVELOPMENT IN THE**
36 **UR DISTRICT SHALL MEET THE PURPOSE OF THE UR LAND USE**
37 **DISTRICT.**
38